



Docket No. ETH1572

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Steven C. Arnold, et. al.

Serial No. : 09/896,004

Art Unit: 1616

Filed : June 29, 2001

Examiner: N.S. Levy

For : COMPOSITIONS AND MEDICAL DEVICES UTILIZING  
BIOABSORBABLE POLYMERIC WAXES AND RAPAMYCIN

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William K. Wissing  
(Name of applicant, assignee, or Registered Representative)

*William K. Wissing*  
(Signature)

March 03, 2004  
(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure  
Statement mailed on August 29, 2001, February 26, 2003 and  
November 17, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37  
C.F.R. §§1.97-1.98, information relating to the above-  
identified application is hereby disclosed. Inclusion of  
information in this statement is not to be construed as an  
admission that this information is material as that term is  
defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the  
patentability of the claimed invention over any of the

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Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the

information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or

an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with \$1.97(e) (attached); or
- ☒ Please charge Deposit Account No. 10-0750/ETH1572/WKW the fee of \$180.00 as set forth in \$1.17(p).

☐ In accordance with \$1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98

(a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

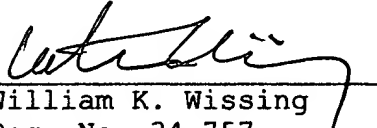
☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed November 17, 2003.

☒ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH1572/WKW. This form is submitted in triplicate.

Respectfully submitted,

  
William K. Wissing  
Reg. No. 34,757  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza

New Brunswick, NJ 08933-7003

(732) 524-6201

DATED: *March 03, 2009*



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 3

Application Number	09/896,004
Filing Date	June 29, 2001
First Named Inventor	Steven C. Arnold
Group Art Unit	1616
Examiner Name	N.S. Levy
Attorney Docket Number	ETH1572

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		2,895,930	A1	Milton	07-21-1959	
		4,384,975		Jones W. Fong	05-24-1983	
		4,419,139	A	Gooch, Jan W. Et. al.	12-06-1983	
		4,568,559		Elie S. Nuwayser, et. al.	02-04-1986	
		5,219,980		Ronald Swidler	06-15-1993	
		5,411,554		Angelo G. Sopelianos, et. al.	02-04-1997	
		5,442,033		Rao S. Bezwada, et. al.	03-04-1997	
		5,599,852		Angelo G. Sopelianos, et. al.	02-04-1997	
		5,631,015		Rao S. Bezwada, et. al.	05-20-1997	
		5,653,992		Rao S. Bezwada, et. al.	08-05-1997	
		5,700,583		Dennis D. Jamiolkowski, et. al.	12-23-1997	
		5,728,752		Angelo G. Scopelianos et. al.	03-17-1997	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		EP	747072	A	United States Surgical Corp.	12-11-1996		
		EP	841361	A1	Ethicon, Inc.	05-13-1995		
		EP	1270024	A	Ethicon, Inc.	01-02-2003		
		WO	89/08894	A1	Novo Industri A/S	09-21-1989		
		WO	82/12645	A1	Novo Nordisk A/S	08-06-1992		
		WO	94/15079	A1	Rothtechnik GMBH and Company	11-01-995		
		WO	95/22318	A1	Modi Pankaj	08-24-1997		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 3

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Attorney Docket Number	ETH1572

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		5,753,234		Hyon-Kook Lee, et. al.	05-19-1998	
		5,824,333		Angelo G. Scopelianos et. al.	10-20-1998	
		5,998,552		Gruber, et. al.	12-07-1999	
		6,100,346		Dennis D. Jamiolkowski, et. al.	08-08-2000	
		6,120,787		Nils-Ove Gustafsson, et. al.	09-19-2000	
		6,121,398		Wool, et. al.	09-01-2000	
		6,147,168		Dennis D. Jamiolkowski, et. al.	11-14-2000	
		6,224,894		Dennis D. Jamiolkowski, et. al.	05-01-2000	
		6,251,435		Dennis D. Jamiolkowski, et. al.	06-26-2001	
		6,268,329		Erik Markussen	07-31-2001	
		6,335,383		Angelo G. Scopelianos et. al.	01-01-2002	
		2003/0185752		Nathan et. al	12-01-1999	

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		WO	97/23606	A1	Genecor International, Inc.	07-03-1997		
		WO	99/29303	A1	Expression Genetics, Inc.	06-17-1999		
		WO	00/02950	A1	Expression Genetics, Inc.	01-20-2000		
		WO	00/35511	A	Cambridge Scient Inc.	06-22-2000		
		WO	00/44808	A1	Jeffrey A. Hubbell	08-03-2000		
		WO	01/07486	A1	Polygene LTD.	02-01-2001		
		WO	01/76649	A	Bone Support AB; Lidgren Lars (se))	10-18-2001		

Examiner Signature	Date Considered
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<b>SUBMISSION UNDER MPEP 609 D</b>  Page 1 of 1	<b>Application Number</b>	09/896,004
	<b>Filing Date</b>	June 29, 2001
	<b>First Named Inventor</b>	Steven C. Arnold
	<b>Group Art Unit</b>	1616
	<b>Examiner Name</b>	N.S. Levy
	<b>Attorney Docket Number</b>	ETH1572

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			Number	Kind Code <sup>2</sup> (if known)	
		J. Rosenbatt, et. al.	USSN 10/183,260 (ETH1659)		
		Sullivan, et. al.	2001/0007771		
		Jamioikowski, et. al	2001/0021377		

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			Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>		

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner 's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		EPO Search Report dated December 15, 2003 for EPO APPL. NO. EP 03 25 1999	

Examiner Signature		Date Considered	
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